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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/738,354	12/17/2003	Robert E. Peters	67,097-029; EH-10884	7571

26096 7590 05/31/2005

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EXAMINER

GARTENBERG, EHUD

ART UNIT	PAPER NUMBER
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3746

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/738,354

Applicant(s)

PETERS ET AL.

Examiner

Ehud Gartenberg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-9 and 16-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-15, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Election/Restrictions***

1. Claims 1-9 and 16-18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 5/12/2005. Applicant's statement that claim 18 should also be examined is believed to be in error, because claim 18 depends on claim 16 that was not elected for further prosecution at this time.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 10-15, 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Poucher 3531935, that teaches in Fig. 2 the invention as claimed: an oil scavenge system for a gas turbine comprising: a housing 23, 25, 26 comprising a duct (the duct is read on the oil flow path through elements 36 and 47, a scoop 37, 36, 38 in communication with a first portion of said duct 40, said scoop comprising a partition 37, 38 which forms said first portion of said duct (the first portion of said duct is the flow path along 40 left to bearing 34), a settling area (the settling area is the figure area where numerals 32, 47, 46, and 26 are printed - NOT the elements to which they point) adjacent said scavenge scoop 37, 38 and in communication with a second portion of said duct 47 opposite said partition 37, 38. Note that: 1) bearing 34 is the mid bearing

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by location (see Fig. 1) and also the end bearing being fan bearing 50 and its aft-mounted counterpart supporting the fan's turbine; 2) the settling area is downstream said scoop; 3) the duct is generally parallel to the axis of rotation along its main path between elements 37 and 38; 4) the duct is located at the bottom dead center of the housing comprised of elements 23, 25, 26; 5) the axis of rotation comprises a centerline of the gas turbine because 26 is the turbine's shaft; 6) shield 25 covers the settling area; and the housing is a portion of the gas turbine housing because the entire structure is part of, attached to, and inside said housing. In this respect note that element 23 is a static strut/vane that is an integral part of the housing's support - without it the housing may deform or collapse altogether.

4. Claim 1 is also rejected under 35 U.S.C. 102(b) as being anticipated by Campbell 3614257, that teaches the invention as claimed: a gas turbine comprising an inherent housing, a duct 16, a scoop 18, 19 in communication with a first portion of said duct upstream the inlet of scoop 19 and having a partition 18 which forms said first portion of said duct, a settling area 17 in communication via 20 with a second portion of said duct opposite said partition that is the portion of 18 upstream scoop portion 19. No patentable weight was given to the "oil scavenge" portion of the claim, because it has been held that the a recitation with respect to the material intended to be worked upon by a claimed apparatus does not impose any structural limitation on the claimed apparatus, and therefore does not differentiate from a prior art apparatus comprising said structural limitations.

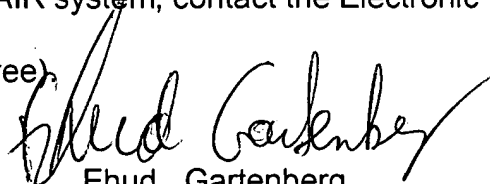
**Conclusion**

5. The claims are written so broadly and indistinctly that they read on subcombinations found in almost any jet engine.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ehud Gartenberg whose telephone number is 571 272 4828. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Thorpe can be reached on 571 272 4444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Ehud Gartenberg  
Primary Examiner  
Art Unit 3746

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